

REMARKS

In the March 22, 2005 Office Action, the Examiner required an election of one of the following under 35 U.S.C. 121: claims 1-21, drawn to engine fueling control, classified in class 477, subclass 110; and claims 22-27, drawn to brake and fueling control, classified in class 477, subclass 94. In addition, the Examiner stated that Applicant must choose from the following species: Species III, which is covered by claims 1-11; and Species IV, which is covered by claims 12-21. Moreover, the Examiner stated that there are three groups to choose from: Claims 1-11; Claims 12-21; and Claims.

Applicants respectfully traverse this restriction and election requirement. Nevertheless, Applicant hereby provisionally elects group I, which covers claims 1-11. Accordingly, it is respectfully submitted that while Applicants traverse the restriction and election based upon the following reasons, a proper response is being submitted in accordance with the rules of practice.

Reasons for Traversal

Initially, Applicants wish to state that this traversal is not an admission that any or all of the cited species are not independent, or that any or all of the cited species are not patentably distinct from one another. However, Applicant does submit that Examiner has failed to establish a prima facie case for restricting the claims. More specifically, the Examiner has failed to show with an explanation that there is a (1) separate classification; (2) separate status in the art when classifiable together; or (3) a different field of search, in order to support the restriction requirement for the three groups. (See M.P.E.P. § 808-808.02).

For example, the Examiner acknowledges that the classification of group I (claims 1-11) AND the classification of group II (claims 12-21) are both in class 477, subclass 110. In addition, the Examiner restriction does not contain an explanation as to why these claims would have a separate status in the art when classified together and also failed to explain why there would be a different field of search. Accordingly, Applicants respectfully submit that the Examiner has failed to properly establish a prima facie case for restriction the claims, respectfully requests reconsideration and withdrawal of the election requirement set forth in the February 22, 2005, and further request examination of all of the presently pending claims.

Conclusion

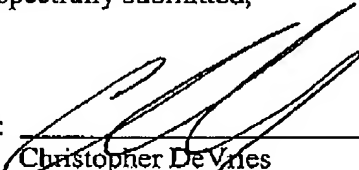
Applicants respectfully submit that the foregoing is a proper response to the restriction and election requirement in accordance with the rules of practice. Should the Examiner have any

questions or wish to discuss the foregoing response and amendment, Applicant requests that the Examiner contact the undersigned at the telephone number listed below.

If for some reason Applicant have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge GM Deposit Account No. 07-0960 for any fee which may be due.

Respectfully submitted,

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